

From: [Parikh, Pooja](#)
To: [Lane, Peg](#)
Subject: email 5 of 8
Date: Wednesday, May 29, 2013 10:38:36 AM

(b) (5)



Pooja S. Parikh
Water Law Office
Office of General Counsel
U.S. Environmental Protection Agency
Room 7426A ARN (Mail Code 2355A)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
Phone: 202-564-0839

From: Pooja Parikh [mailto:Parikh.Pooja@epamail.epa.gov]
Sent: Wednesday, May 29, 2013 2:34 PM
To: Parikh, Pooja
Subject: 5th batch of 5

Pooja S. Parikh
U.S. Environmental Protection Agency
Office of General Counsel
Water Law Office (2355A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0839
(202) 564-5477 (fax)
parikh.pooja@epa.gov

----- Forwarded by Pooja Parikh/DC/USEPA/US on 05/29/2013 02:34 PM -----

From: Pooja Parikh/DC/USEPA/US
To: Lee Schroer/DC/USEPA/US@EPA, Peter Ford/DC/USEPA/US@EPA, Courtney Hamamoto/R10/USEPA/US@EPA, David Allnut/R10/USEPA/US@EPA, Claudia Fabiano/DC/USEPA/US@EPA, Heather Goss/DC/USEPA/US@EPA, Carey Johnston/DC/USEPA/US@EPA, Maryt Smith/DC/USEPA/US@EPA, Janet Goodwin/DC/USEPA/US@EPA
Date: 08/04/2009 03:10 PM
Subject: Update on Cook Inlet settlement discussions

I'm forwarding the most recent email from the environmental petitioners re the Cook Inlet settlement discussions. I wanted to keep everyone in the loop; and will plan to set up a meeting in order to discuss next steps.

To summarize where we are: We have a status report to the Court due on August 19th - and if we are unable to settle, a brief due on September 21st. We had put two tentative offers on the table: (1) to promulgate anti-deg implementation procedures for Alaska, if Alaska fails to do so by a date certain; and (2) to complete an individual permit for the largest discharger on Cook Inlet (Chevron's Trading Bay facility). We had told the petitioners that we were not willing to undertake a rulemaking to revise the ELG for Cook Inlet -- because we didn't think that this would result in more stringent limits, in light of the economic achievability issues.

We were hoping that petitioners would give us a final answer on whether or not they are willing to accept our

settlement offers. Unfortunately, we didn't get that in this email. It seems that they are asking for more than we had offered, specifically: (1) that we reinstate any more stringent WQBELs from the prior permit on antibacksliding/antideg grounds; and (2) that we establish a timetable for establishing zero discharge for these facilities.

On antibacksliding: we briefly discussed this option in an earlier meeting, but hearing no real support for it at the time, we never included it as part of our offer to petitioners. But, I'd like to raise it again -- since petitioners have specifically asked for this in their email, I'd like to be completely clear on whether or not we'd be willing to offer this. Here is what we could theoretically offer: we'd modify the permit to reinstate any more stringent WQBELs from the prior permit, on the grounds that the antibacksliding exception under 303(d)(4)(B) was not met, as there was no demonstration that the less stringent limits were consistent with state antideg policy. To support this argument, we could point to deficiencies in the state antideg analysis (i.e., no public participation, no alternatives analysis). But the state could then do a new antideg analysis with the appropriate public participation and alternatives analysis, which could then provide the basis for backsliding. Alternatively, we could adopt Trustees' argument that without antideg implementation procedures, Alaska could not do an antideg analysis, and therefore could not justify any backsliding from the former more stringent permit limits. I'm not sure whether programatically, we would be willing to take this position -- particularly since, as I understand, we are defending other Alaska permits on similar challenges; and also since we have other states out there that don't have antideg implementation procedures.

On zero discharge: I think we've made it clear to petitioners that we are not willing to revise the ELG; and in earlier conversations with them, it seemed that this was not an essential prerequisite for settlement. However, it sounds like that may no longer be the case. We are going to try to clarify this with the petitioners.

It is possible that they will still be willing to settle for the two items we've put on the table; but from the tenor of their email, I am not feeling particularly hopeful. So, I'd like to be able to figure out if we can offer anything else if necessary. In particular, can we offer to reinstate the prior more stringent WQBELs on antibacksliding/antideg grounds? I would like to hear from OW and the Regional program folks on this. On the ELG - if petitioners say that it is an essential prerequisite to settlement, I would think that we should take this back to Bob Sussman to find out whether he wants us to initiate an ELG rulemaking in order to settle the case or to file a brief defending the permit.

Please feel free to contact me with any thoughts/ reactions/ questions.

Pooja S. Parikh
U.S. Environmental Protection Agency
Office of General Counsel
Water Law Office (2355A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0839
(202) 564-5477 (fax)
parikh.pooja@epa.gov

----- Forwarded by Pooja Parikh/DC/USEPA/US on 08/04/2009 11:54 AM -----

From: "Emily Anderson" <eanderson@trustees.org>
To: "Pinkston, Daniel (ENRD)" <Daniel.Pinkston@usdoj.gov>, Pooja Parikh/DC/USEPA/US@EPA, Courtney Hamamoto/R10/USEPA/US@EPA
Cc: "Vicki Clark" <vcclark@trustees.org>
Date: 08/03/2009 05:07 PM
Subject: Cook Inletkeeper v. EPA

Hi Dan—

Vicki had a call with several of our clients on Friday and discussed the settlement options. Not all of the clients were on the phone, so it took us a little time to follow up with them.

The results of the call are as follows:

1. Our clients are very concerned about the short timeline that EPA has given to make a decision about whether to pursue the settlement options on the table. It was not until a recent email that the options were characterized as an "offer." In addition, such a quick turnaround time based on EPA's timeline for requesting funding seems to be a false deadline. We believe that EPA was aware of that timeline well before you told us we have until August 7th to decide whether to proceed with the various settlement options. Thus, with the caveat that this request does not bind us to a settlement given the issues we still need to discuss and decide, we would like to understand whether EPA can pursue funding for the various settlement options without imposing this August 7th deadline.

2. Our clients would like you to put the offers on the table in writing so that they can understand exactly what is being offered and make an informed decision about proceeding with settlement. While we have discussed the options on the telephone and some of our clients have been privy to those discussions, written descriptions will provide more clarity.

3. In a previous discussion, we asked whether the less stringent limits (i.e., those that we believe EPA backslid on) in the current permit could be modified to reinstate the more stringent limits in the previous permit. We are still waiting for a response to that issue.

4. Our clients are interested in knowing whether a timetable could be developed where EPA could/would require zero-discharge for these facilities.

This case is very important to our clients, as we are sure it is to EPA. As such, for our clients to agree to a settlement, which cannot be determined at this time, there has to be assurance from EPA that the settlement terms will result in improved water quality in Cook Inlet. It is no secret that our clients strongly support the same zero-discharge standard for produced water from facilities operating in Cook Inlet as EPA imposes for the rest of the U.S. Thus, our clients will not be rushed into a decision that could be against their interests.

That said, we regret that it has been difficult to push forward on a settlement more quickly this summer. But, the tide and the fish wait for no one, to paraphrase an old saying. We look forward to getting more clarity about what is possible in a settlement and what an offer looks like.

We appreciate your patience and look forward to talking with you soon.

Emily

Emily Anderson

Staff Attorney

Trustees for Alaska

1026 W. 4th Avenue, Suite 201

Anchorage, AK 99501

(907) 276-4244 x 112

----- Forwarded by Pooja Parikh/DC/USEPA/US on 05/29/2013 02:34 PM -----

From: Pooja Parikh/DC/USEPA/US
To: Janet Goodwin/DC/USEPA/US@EPA
Date: 01/21/2009 11:55 AM
Subject: Fw: Cook Inlet

11-noon next Tuesday works for me.

Pooja S. Parikh
U.S. Environmental Protection Agency
Office of General Counsel
Water Law Office (2355A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0839
(202) 564-5477 (fax)
parikh.pooja@epa.gov

----- Forwarded by Pooja Parikh/DC/USEPA/US on 01/21/2009 11:54 AM -----

Dianne Soderlund/R10/USEPA/US

01/21/2009 11 52 AM

To
cc

Janet Goodwin/DC/USEPA/US@EPA
Carey Johnston/DC/USEPA/US@EPA, Courtney
Hamamoto/R10/USEPA/US@EPA, Hanh
Shaw/R10/USEPA/US@EPA, Michael
Lidgard/R10/USEPA/US@EPA, Pooja
Parikh/DC/USEPA/US@EPA, Timothy
Mayers/R10/USEPA/US@EPA

Subject

Re: Fw: Cook Inlet 

Good morning Jan, we cannot find a time that works for everyone tomorrow am so we are proposing 8:00 - 9:00 am Seattle time next Tuesday, 27. (11:00-Noon DC time). Let us know if this will work and I hope you enjoyed the inaugural activities. We certainly did via the TV.

Dianne Soderlund, Manager
Alaska Oil and Gas Sector
Fax: 907-271-3424
Voice: 907-271-3425

Janet Goodwin/DC/USEPA/US

Janet Goodwin/DC/USEPA/US

01/21/2009 05 09 AM

To
cc

Hanh Shaw/R10/USEPA/US@EPA
Carey Johnston/DC/USEPA/US@EPA, Courtney
Hamamoto/R10/USEPA/US@EPA, Dianne
Soderlund/R10/USEPA/US@EPA, Michael
Lidgard/R10/USEPA/US@EPA, Pooja
Parikh/DC/USEPA/US@EPA, Timothy
Mayers/R10/USEPA/US@EPA

Subject

Re: Fw: Cooke Inlet 

I'm sorry noon (eastern time) isn't good for us. Can we reschedule for tomorrow? I have a couple of meetings already scheduled for late this afternoon, Pooja is busy at noon and Carey Johnston is out for a few hours around noon. Both Pooja and I are out on Friday, so if at all possible I would like to meet tomorrow. Let me know thanks.

Janet Goodwin, Chief
Technology and Statistics Branch
Engineering & Analysis Division (4303T)
U.S. EPA
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

202-566-1060
FAX: 202-566-1053

Hanh Shaw---01/16/2009 07:09:43 PM---Hello Jan, Mike Lidgard asked me to schedule this meeting to discuss the Cook Inlet exemption in the

From: Hanh Shaw/R10/USEPA/US
To: Michael Lidgard/R10/USEPA/US@EPA, Pooja Parikh/DC/USEPA/US@EPA, Janet Goodwin/DC/USEPA/US@EPA, Carey Johnston/DC/USEPA/US@EPA, Dianne Soderlund/R10/USEPA/US@EPA, Timothy Mayers/R10/USEPA/US@EPA, Courtney Hamamoto/R10/USEPA/US@EPA
Date: 01/16/2009 07:09 PM
Subject: Re: Fw: Cooke Inlet

Hello Jan,

Mike Lidgard asked me to schedule this meeting to discuss the Cook Inlet exemption in the Coast ELGs. Let's go ahead and meet on Wednesday, Jan. 21, from 9-10 Seattle time (noon-1 EST). In addition to Mike, myself, Dianne Soderlund and Tim Mayers from our Anchorage office, our regional attorney, Courtney Hamamoto, will also participate in the discussion.

I have reserved a meet me line for the call. The number is (206) 553-4557. We look forward to talking with you then.

Hanh

Michael Lidgard/R10/USEPA/US

Michael Lidgard/R10/USEPA/US	To	Hanh Shaw/R10/USEPA/US@EPA
01/15/2009 01:13 PM	cc	
	Subject	Fw: Cooke Inlet

----- Forwarded by Michael Lidgard/R10/USEPA/US on 01/15/2009 01:14 PM -----

Janet Goodwin/DC/USEPA/US	To	Michael Lidgard/R10/USEPA/US@EPA
01/12/2009 01:17 PM	cc	Pooja Parikh/DC/USEPA/US@EPA, Carey Johnston/DC/USEPA/US@EPA
	Subject	Cooke Inlet

Mike,

I would like to schedule a meeting with you and your folks to speak with Pooja Parikh -- with our General Counsel's Office. (b) (5)

Let me know if you would be available on Wed. or Thurs of next week. I have meetings from 2:00 to 3:00 (11:00 to noon your time) both days, but the rest of my afternoon is free on both of those days.

I look forward to hearing from you.

Janet Goodwin, Chief
Technology and Statistics Branch
Engineering & Analysis Division (4303T)
U.S. EPA
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

202-566-1060
FAX: 202-566-1053

----- Forwarded by Pooja Parikh/DC/USEPA/US on 05/29/2013 02:34 PM -----

From: Pooja Parikh/DC/USEPA/US
To: Janet Goodwin/DC/USEPA/US@EPA
Date: 01/21/2009 08:58 AM
Subject: Re: Fw: Cooke Inlet

Unfortunately, noon today won't work for me, as I have another call scheduled at that time. But any other time today or tomorrow would work for me. (I'm out Friday).

Pooja S. Parikh
U.S. Environmental Protection Agency
Office of General Counsel
Water Law Office (2355A)
1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460
(202) 564-0839
(202) 564-5477 (fax)
parikh.pooja@epa.gov

Janet Goodwin---01/21/2009 08:06:27 AM---Sorry for the short notice. I didn't check e-mail over the weekend. Will this time work for you?

Janet Goodwin/DC/USEPA/US To: Pooja Parikh/DC/USEPA/US@EPA
cc
01/21/2009 08:06 AM Subject: Fw: Cooke Inlet
Sorry for the short notice. I didn't check e-mail over the weekend. Will this time work for you? (b) (5)

Janet Goodwin, Chief
Technology and Statistics Branch
Engineering & Analysis Division (4303T)
U.S. EPA
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

202-566-1060
FAX: 202-566-1053

----- Forwarded by Janet Goodwin/DC/USEPA/US on 01/21/2009 08:05 AM -----

From: Carey Johnston/DC/USEPA/US
To: Janet Goodwin/DC/USEPA/US@EPA
Date: 01/19/2009 08:05 PM
Subject: Fw: Re: Fw: Cooke Inlet

I'm out with an EAD group on 1/21 at the Arlington WWTP on a tour that starts at 11:30. I'm not sure when it finishes but I'm not going to make the proposed time. I would like to be on the call to help with the last 304(m) review of the Coastal ELGs (b) (5)

Carey

-----Forwarded by Carey Johnston/DC/USEPA/US on 01/19/2009 08:00PM -----

To: Michael Lidgard/R10/USEPA/US@EPA, Pooja Parikh/DC/USEPA/US@EPA, Janet Goodwin/DC/USEPA/US@EPA, Carey Johnston/DC/USEPA/US@EPA, Dianne Soderlund/R10/USEPA/US@EPA, Timothy Mayers/R10/USEPA/US@EPA, Courtney Hamamoto/R10/USEPA/US@EPA
From: Hanh Shaw/R10/USEPA/US
Date: 01/16/2009 07:08PM
Subject: Re: Fw: Cooke Inlet

Hello Jan,

Mike Lidgard asked me to schedule this meeting to discuss the Cook Inlet exemption in the Coast ELGs. Let's go ahead and meet on Wednesday, Jan. 21, from 9-10 Seattle time (noon-1 EST). In addition to Mike, myself, Dianne Soderlund and Tim Mayers from our Anchorage office, our regional attorney, Courtney Hamamoto, will also participate in the discussion.

I have reserved a meet me line for the call. The number is (206) 553-4557. We look forward to talking with you then.

Hanh

Michael Lidgard/R10/USEPA/US

Michael Lidgard/R10/USEPA/US

01/15/2009 01:13 PM

To

Hanh Shaw/R10/USEPA/US@EPA

cc

Subject

Fw: Cooke Inlet

----- Forwarded by Michael Lidgard/R10/USEPA/US on 01/15/2009 01:14 PM -----

Janet Goodwin/DC/USEPA/US

01/12/2009 01:17 PM

To

Michael Lidgard/R10/USEPA/US@EPA

cc

Pooja Parikh/DC/USEPA/US@EPA, Carey

Johnston/DC/USEPA/US@EPA

Subject

Cooke Inlet

Mike,

I would like to schedule a meeting with you and your folks to speak with Pooja Parikh -- with our General Counsel's Office. (b) (5)

Let me know if you would be available on Wed. or Thurs of next week. I have meetings from 2:00 to 3:00 (11:00 to noon your time) both days, but the rest of my afternoon is free on both of those days.

I look forward to hearing from you.

Janet Goodwin, Chief
Technology and Statistics Branch
Engineering & Analysis Division (4303T)
U.S. EPA
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

202-566-1060
FAX: 202-566-1053

----- Forwarded by Pooja Parikh/DC/USEPA/US on 05/29/2013 02:33 PM -----

From: Pooja Parikh/DC/USEPA/US
To: Ephraim King/DC/USEPA/US@EPA
Date: 05/12/2009 01:12 PM
Subject: Re: Fw:

(b) (5)

Pooja S. Parikh
U.S. Environmental Protection Agency
Office of General Counsel
Water Law Office (2355A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0839
(202) 564-5477 (fax)
parikh.pooja@epa.gov

(b) (5)



From: Ephraim King/DC/USEPA/US
To: Pooja Parikh/DC/USEPA/US@EPA
Date: 05/12/2009 12:28 PM
Subject: Fw:

(b) (5)



Sent by EPA Wireless E-Mail Services
Ephraim King

----- Original Message -----

From: Ephraim King
Sent: 05/11/2009 08:15 AM EDT
To: Mike Gearheard; Mike Bussell

(b) (5)



(b) (5)



Ephraim King, Director
Office of Science and Technology
Office of Water
U.S. EPA

----- Forwarded by Pooja Parikh/DC/USEPA/US on 05/29/2013 02:33 PM -----

From: Js Wilson/DC/USEPA/US
To: Courtney Hamamoto/R10/USEPA/US@EPA, Hanh Shaw/R10/USEPA/US@EPA, Pooja Parikh/DC/USEPA/US@EPA
Date: 02/12/2009 11:52 AM
Subject: Fw: guidelines question

(b) (5)



Scott Wilson, Energy Coordinator
Industrial Permits Branch (4203M)
Office of Wastewater Management
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
202-564-6087

----- Forwarded by Js Wilson/DC/USEPA/US on 02/12/2009 11:47 AM -----

From: Carey Johnston/DC/USEPA/US
To: Js Wilson/DC/USEPA/US@EPA
Date: 02/12/2009 11:04 AM
Subject: Re: guidelines question

(b) (5)



From: Carey Johnston/DC/USEPA/US
To: Js Wilson/DC/USEPA/US@EPA
Date: 02/04/2009 04:49 PM
Subject: Re: guidelines question

(b) (5)



From: Js Wilson/DC/USEPA/US
To: Carey Johnston/DC/USEPA/US@EPA
Date: 02/04/2009 09:36 AM
Subject: guidelines question

(b) (5)



Scott Wilson, Energy Coordinator
Industrial Permits Branch (4203M)
Office of Wastewater Management

U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
202-564-6087